

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SCOTT A. STEWART, #1823397,

Plaintiff,

v.

SKYVIEW UNIT,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:20-cv-47-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On May 28, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 19) recommending that Plaintiff's motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1) (Docket No. 17) be granted and that Plaintiff's case be dismissed without prejudice.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are

filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 19) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge’s Report (Docket No. 19) is **ADOPTED** and that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(1). It is further **ORDERED** that Plaintiff’s motion to voluntarily dismiss his action (Docket No. 17) is **GRANTED**. All pending motions are **DENIED AS MOOT**.

So ordered and signed on this  
Aug 3, 2020

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE